

Title 194 - Department of Environmental Quality

Chapter 11 - LOCAL MONITORING COMMITTEE

001 Purpose and Structure.

001.01 The developer shall send written notification by certified or registered mail to the Governor and the Legislature of the selection of three proposed sites by January 1, 1989. Within 30 days after such notification, a local monitoring committee shall be established for each proposed site. The local monitoring committees shall cease to exist within 30 days after a site is selected, except the committee for the selected site, and shall finish all business within that period of time including payment of bills and remittance to the department of any unexpended balance. The committees shall represent the interests of the citizens of the site areas and shall maintain communication with the developer and the department to assure protection of the public health and safety and the protection of the air, land, and water resources of the area. The committees shall provide significant input concerning local needs and resources regarding all relevant aspects of the site selection. After a site is selected, the remaining committee shall provide significant input concerning local needs and resources regarding all relevant aspects of the construction, operation, monitoring, closure, and custodial care of the facility.

001.02 Each local monitoring committee shall be composed of the following members, all of whom shall be residents of Nebraska:

001.02A Two members selected from municipalities which have zoning jurisdiction within fifteen miles of the proposed site or, if there are no such municipalities, from the municipality in closest proximity to the proposed site, to be appointed by the chief executive officer of each municipality or by the governing body if there is no chief executive officer;

001.02B Two members from the county of the proposed site, to be appointed by the governing body of the county. One member shall be an owner of real property that is within a three-mile radius of the proposed site and one member shall be an at-large member;

001.02C Two members appointed by the board of directors of the natural resources district of the proposed site; and

001.02D Four members to be appointed by the Governor who reside within fifty miles of the proposed site, one of whom represents conservation, one of whom represents agriculture, and one of whom is an at-large member, and one of whom is the chief of a fire department located within fifteen miles of the proposed site.

001.03 The Department shall, within 5 days after receipt of notification specified in 001.01 above, contact the municipality, county, natural resources district, and the Governor, as described in 001.02 above, that a local monitoring committee is to be established. Those notified shall submit the names of their selected representatives to the Department prior to the first meeting of each committee.

002 Procedure.

The committee shall convene its first meeting within 15 days after its membership is established. The meeting shall be held in the county seat of the county in which the proposed facility is to be located. The

committee shall hold meetings at such times and places as needed to fulfill its purpose. At least one meeting shall be held annually. A majority of the members of the committee shall constitute a quorum for purposes of conducting business. The committee shall elect its own officers which shall include a chairperson, a vice-chairperson and such other officers as the committee shall choose. Committee members shall be entitled to be reimbursed for actual expenses incurred in the line of duty in the same manner as provided in Neb. Rev. Stat. Sections 81-1174 to 81-1177 for state employees. The committee shall prepare and transmit annual reports of its activities to the Department.

### 003 Communication.

Within 30 days after the committee is established, it shall schedule a series of information-exchange meetings to allow discussion of the facility and provide an opportunity for citizen input. It shall also schedule meetings for the purpose of public discussion upon request of the public or member of the committee. The committee shall provide notice prior to each meeting to the general populace of the area. Each information-exchange meeting shall provide an opportunity for the applicant to explain its proposal, and for the public to comment. The committee shall conduct the meeting in a manner intended to facilitate public participation. The committee may request the developer to supply information for the committee or answer issues raised by the public.

### 004 Needs Assessment.

The committee shall assess the needs of the community in relation to the resources identified in 005 below and input gathered through public meetings. It may request that the applicant address the needs identified and provide specific analysis of the manner in which its proposal will fulfill these needs. Needs assessed may include but are not limited to the following:

004.01 Environmental protection;

004.02 Resource protection;

004.03 Financial assistance needed to improve and maintain infrastructure needed as a result of siting the facility in the area;

004.04 Protection of areas where people live, work and congregate; and

004.05 Protection of local agriculture, business, industry, and property values.

### 005 Local Resources.

The committee shall study and identify local resources which may be impacted by the facility. These may include but are not limited to the following:

005.01 Natural resources, including lakes, streams, mineral deposits, ground water, and fish and wildlife habitat;

005.02 Agricultural resources, including types of agriculture in the area and potential impact upon them by the facility;

005.03 Local business and industry and potential impact upon them by the facility;

005.04 Sites and areas having historical archaeological, cultural or religious significance including Native American sacred sites;

005.05 Recreation facilities and resources;

005.06 Tourist attractions;

005.07 Population areas;

005.08 Facilities which may be relevant to the location of the facility, including schools,

hospitals, churches or other facilities; and  
005.09 Transportation routes.

006 Support Services.

The committees may hire clerical staff and purchase office supplies. Except for a qualified inspector as provided in 008.02 below, committees may not hire professional or technical staff but may contract for professional or technical services.

007 Recommendations.

Upon completion of public meetings, needs assessment, and resource identification, the committee may give any recommendations to the department regarding the facility or site. Within 30 days of receipt, the department shall respond to all recommendations, in writing.

008 Monitoring.

008.01 Upon application for a license, the committee may monitor site planning, construction and operation of the facility, transportation, closure and custodial care activities. The committee shall have access to all aspects of the construction and operation of the facility including records of classes and quantities of waste received.

008.02 After a license is issued, the committee may hire or contract with a qualified inspector who shall be a licensed professional engineer, hydrologist, geologist, health physicist or other technical expert. The inspector shall have the right of independent access to the facility during reasonable hours and may review all records and activities at the facility and carry out joint inspections with the department. The inspector shall report any violations to the department for appropriate action.

008.03 If the committee determines there is an actual or imminent threat of a release of radioactivity from the facility, it may request the department to close the facility. The department shall respond to the committee in writing within seven days of the request.

Enabling Legislation: Neb. Rev. Stat. §81-15,101.01

Legal Citation: Title 194, Ch. 11, Nebraska Department of Environmental Quality

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